



METROPOLITAN PLANNING COMMISSION

MINUTES

September 26, 2019
4:00 pm Regular Meeting

700 Second Avenue South
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

Commissioners Present:

Jessica Farr, Vice Chair
Jeff Haynes
Ron Gobbell
Brian Tibbs
Daveisha Moore
Roe Elam
Dr. Pearl Sims

Commissioners Absent:

Greg Adkins
Lillian Blackshear

Staff Present:

Lucy Kempf, Executive Director
Bob Leeman, Deputy Director
George Rooker, Special Projects Manager
Kelly Adams, Admin Services Officer IV
Lisa Milligan, Planning Manager II
Shawn Shepard, Planning Manager I
Greg Claxton, Planning Manager I
Joni Priest, Planning Manager I
Jason Swaggart, Planner II
Abbie Rickoff, Planner II
Amelia Lewis, Planner II
Joren Dunnivant, Planner II
Logan Elliott, Planner II
Patrick Napier, Planner I
Quan Poole, Legal

Lucy Alden Kempf

Secretary and Executive Director, Metro Planning Commission
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Notice to Public

Please remember to turn off your cell phones.

Nine of the Planning Commission's ten members are appointed by the Metropolitan Council; the tenth member is the Mayor's representative. The Commission meets on the second and fourth Thursday of each month at 4:00 pm, in the Sonny West Conference Center on the ground floor of the Howard Office Building at 700 Second Avenue South. Only one meeting may be held in December. Special meetings, cancellations, and location changes are advertised on the [Planning Department's main webpage](#).

The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, including zone changes, specific plans, overlay districts, and mandatory referrals, the Commission recommends an action to the Council, which has final authority.

Agendas and staff reports are [posted online](#) and emailed to our mailing list on the Friday afternoon before each meeting. They can also be viewed in person from 7:30 am – 4 pm at the Planning Department office in the Metro Office Building at 800 2nd Avenue South. [Subscribe to the agenda mailing list](#)

Planning Commission meetings are shown live on the Metro Nashville Network, Comcast channel 3, [streamed online live](#), and [posted on YouTube](#), usually on the day after the meeting.

Writing to the Commission

Comments on any agenda item can be mailed, hand-delivered, faxed, or emailed to the Planning Department by noon on meeting day. Written comments can also be brought to the Planning Commission meeting and distributed during the public hearing. Please provide 15 copies of any correspondence brought to the meeting.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130
E-mail: planning.commissioners@nashville.gov

Speaking to the Commission

Anyone can speak before the Commission during a public hearing. A Planning Department staff member presents each case, followed by the applicant, community members opposed to the application, and community members in favor.

Community members may speak for two minutes each. Representatives of neighborhood groups or other organizations may speak for five minutes if written notice is received before the meeting. Applicants may speak for ten minutes, with the option of reserving two minutes for rebuttal after public comments are complete. Councilmembers may speak at the beginning of the meeting, after an item is presented by staff, or during the public hearing on that item, with no time limit.

If you intend to speak during a meeting, you will be asked to fill out a short "Request to Speak" form.

Items set for consent or deferral will be listed at the start of the meeting.

Meetings are conducted in accordance with the Commission's [Rules and Procedures](#).

Legal Notice

As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.



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MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:06 p.m.

B: ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Gobbell seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF SEPTEMBER 12, 2019 MINUTES

Mr. Tibbs moved and Ms. Moore seconded the motion to adopt the September 12, 2019 minutes. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

E: ITEMS FOR DEFERRAL / WITHDRAWAL

- 1a. **2019CP-003-003**
BORDEAUX-WHITES CREEK-HAYNES TRINITY COMMUNITY PLAN AMENDMENT
- 1b. **2019SP-066-001**
CLARKSVILLE PIKE MIXED USE SITE SP
2. **2019CP-005-002**
EAST NASHVILLE COMMUNITY PLAN AMENDMENT
4. **2019SP-027-001**
ROOTS EAST SP
5. **2019SP-048-001**
CEDARS OF CANE RIDGE SP
6. **2019SP-056-001**
ROBERTSON AVENUE RESIDENTIAL
7. **2019S-109-001**
RICHARDS FARMS SUBDIVISION
8. **2019S-160-001**
1242 PROPERTY SOLUTIONS, LLC PROPERTY
9. **2019Z-094PR-001**
11. **2019Z-136PR-001**
12. **2019SP-061-001**
832 WEST TRINITY

Mr. Haynes moved and Mr. Gobbell seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

F: CONSENT AGENDA ITEMS

10. **2019Z-099PR-001**
13. **2019S-179-001**
1508 E. STEWARTS LANE SUBDIVISION
14. **88P-040-004**
COMFORT INN AND SUITES PUD (REVISION AND FINAL)

15. **2019DTC-021-001**
1221 BROADWAY OFFICE TOWER

19. **Accept the Director's Report and Approve Administrative Items**
Mr. Haynes recused himself from Item 15.

Mr. Gobbell moved and Dr. Sims seconded the motion to approve the Consent Agenda. (7-0)

NOTICE TO THE PUBLIC: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

G: ITEMS TO BE CONSIDERED

1a. **2019CP-003-003**
BORDEAUX-WHITES CREEK-HAYNES TRINITY
COMMUNITY PLAN AMENDMENT
Council District 02
Staff Reviewer: Gene Burse

A request to amend the Bordeaux-Whites Creek-Haynes Trinity Community Plan by changing from T3 Suburban Neighborhood Evolving Policy to T3 Suburban Mixed Use Corridor Policy for properties located at 3724 Clarksville Pike and Bellefield Avenue (unnumbered), zoned R10 (4.01 acres), requested by Kimley-Horn, applicant; Jerry N. & Belinda C. Vanatta, Trust; owner. (See associated case #2019SP-066-001).

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019CP-003-003 to the October 10, 2019, Planning Commission meeting. (7-0)

1b. **2019SP-066-001**
CLARKSVILLE PIKE MIXED USE SITE SP
Council District 02
Staff Reviewer: Patrick Napier

A request to rezone from R10, CS, and CL to SP zoning for properties located at 3720, 3724, 3726, 3730, and 3800 Clarksville Pike and Bellefield Avenue (unnumbered), at the intersection of Lawrence Avenue and Bellefield Avenue (11.23 acres), to permit a mixed use development, requested by Kimley-Horn, applicant; Jerry Vanatta, Bellinda Vanatta and Elizabeth Gatlin, owners. (See associated case #2019CP-003-003).

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-066-001 to the October 10, 2019, Planning Commission meeting. (7-0)

2. **2019CP-005-002**
EAST NASHVILLE COMMUNITY PLAN AMENDMENT
Council District 05 (Sean Parker)
Staff Reviewer: Michael Briggs

A request to amend the East Nashville Community Plan on various parcels located along the eastern side of Dickerson Pike between Grace Street and Spring Street.

Staff Recommendation: Defer to the October 24, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019CP-005-002 to the October 24, 2019, Planning Commission meeting. (7-0)

3a. 2019CP-008-003

NORTH NASHVILLE COMMUNITY PLAN AMENDMENT

Council District 21

Staff Reviewer: Anna Grider

A request to amend the North Nashville Community Plan by changing from T4 Urban Neighborhood Maintenance Policy to T4 Urban Mixed Use Corridor Policy for properties located at 1701, 1703, 1705, 1707, 1712 and 1714 9th Avenue North and 9th Avenue North (unnumbered), approximately 130 feet east of Delta Avenue, zoned CS and RS5 (0.65 acres), requested by Fulmer Engineering, applicant; various property owners. (see associated case 2019Z-135PR-001).

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend North Nashville Community Plan to change the policy.

Minor Plan Amendment

A request to amend the North Nashville Community Plan by changing from T4 Urban Neighborhood Maintenance (T4 NM) to T4 Urban Mixed Use Corridor (T4 CM) on properties located at 1701, 1703, 1705, 1707, 1712 and 1714 9th Avenue North and 9th Avenue North (unnumbered), zoned Commercial Service (CS) and Single-family Residential (RS5), approximately 0.65 acres.

NORTH NASHVILLE COMMUNITY PLAN

Current Policy

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

BACKGROUND

The community plan amendment was requested in conjunction with zone change application 2019Z-135PR-001, a request to change the zoning from Commercial Service (CS) and Single-Family Residential (RS5) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at the corner of Buchanan Street and 9th Avenue North. As part of the application process, the Executive Director determined the plan amendment is minor with a required community meeting.

The plan amendment area is directly east of I-65 and just south of Buchanan Street in North Nashville. T4 Urban Neighborhood Maintenance (T4 NM) policy is currently applied to the plan amendment area, as well as to the south, and to the east on the other side of the Interstate. Along Buchanan Street, T4 Urban Mixed Use Corridor (T4 CM) policy is applied. Commercial uses are not supported by the existing T4 NM policy. As a result, the applicant proposed a policy change to extend the T4 Urban Mixed Use Corridor policy that exists along Buchanan Street, which supports a mix of uses.

COMMUNITY PARTICIPATION

On August 21, 2019, the required Planning-led community meeting was held at 904 Buchanan Street to discuss the applicant's plan amendment and zoning requests. Approximately 30 people attended, including Councilmember Kindall, the applicant and development team, and staff from the Planning Department.

Planning staff spoke and answered questions regarding the plan amendment request. The applicant presented their rezoning request. Some attendees expressed support for extending the T4 CM policy at this location, in order to expand the land area available for a mix of uses. Many community members requested more detail on the proposed development and for additional time to have more discussion with the community. A number of the concerns attendees wanted more detail on related to traffic, parking, access, short term rentals, and the types of potential uses.

A follow-up meeting was held on August 27, 2019, at Swifts Tabernacle. This was the regularly scheduled Jones Buena Vista Neighborhood Association meeting and was facilitated by Pastor Leon Corder, the president of the

Neighborhood Association. Approximately 50 people attended, including a number of those who were present at the August 21st community meeting. The applicant provided more detail on the proposed development. Planning staff again described the requested plan amendment and listened to feedback.

More people expressed support for the proposed amendment and rezoning than at the first meeting. Support centered on the desire to see development and revitalization of Buchanan Street. Many want that growth to be for the benefit of existing residents rather than leading to displacement.

The following topics were raised by those who have concerns about the requests:

- The appropriate depth of commercial policy and zoning off Buchanan Street
- Concern about existing businesses on Buchanan Street appearing to struggle and the wisdom of adding new spaces for lease
- The future of Buchanan Street. Visioning for the future of this corridor is actively being worked on by various community groups
- Concerns about gentrification and displacement
- The permitting of short term rentals
- The potential for increased parking on neighborhood streets
- Height concerns
- The need for additional time for community input and discussion

Following the meeting the applicant deferred the plan amendment and rezoning applications to allow time for further community discussion. A roundtable discussion is planned for September 24, 2019, at Swifts Tabernacle, again facilitated by Pastor Leon Corder, the president of the Jones Buena Vista Neighborhood Association. This meeting is occurring following the time of publication of this staff report.

ANALYSIS

The plan amendment area is located next to I-65 and the Delta Avenue overpass. To the north is Jones Paideia Elementary School. There are a number of small-scale commercial uses along Buchanan Street as you travel westward, including restaurants and retail shops. South of the amendment area is a large area of residential development.

The proposed amendment area is a suitable location for T4 CM policy for the following reasons:

High Capacity Transit Corridor

The stretch of Buchanan Street from Dr D B Todd Jr Boulevard to Rosa L Parks Boulevard, including the plan amendment area, is designated as an “immediate need” High Capacity Transit Corridor on the Growth and Preservation Concept Map. High Capacity Transit Corridors are envisioned to support high capacity transit – from Bus Rapid Transit Lite (BRT Lite) service to transit running in its own lanes. These Corridors are defined as “immediate need” or “long-term need.” “Immediate need” corridors should have service improvements within the next ten years.

Allowing for strategic infill along transit corridors, such as Buchanan Street, provides the density of jobs and residents to support transit lines and transit improvements. Additionally, providing services in proximity to transit and other services on Buchanan increases the likelihood that residents and visitors can walk to meet some of their needs.

The application of T4 CM policy to allow a denser mix of housing and commercial development is appropriate at this location, along a High Capacity Transit corridor.

North Nashville Community Plan

Community Plans provide history and context for Nashville’s 14 Community Planning Areas, along with community-specific issues, strategies, and sketches of how different places in the community could change over time. During the most recent update to the North Nashville Community Plan (in 2010 and during NashvilleNext in 2015) participants stated they wish to see an increase in retail and service options in the community. One of the strategies of the Community Plan to address this desire is to emphasize enhancing prominent North Nashville corridors, such as Jefferson Street, Buchanan Street, and Rosa L. Parks Boulevard, by adding a mix of land uses and additional housing options.

Because T4 CM areas are intended to be mixed use corridors with higher-density residential and mixed use development, applying this policy to the plan amendment area offers the opportunity to promote the North Nashville Community Plan’s goal of enhancing the major corridors.

Community Character Policy

The requested Community Character Policy of T4 CM is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor.

- **Applicability**

T4 CM policy is applicable to prominent urban arterial-boulevard and collector-avenue corridors with adequate transportation capacity. Buchanan Street is a two-lane Collector Street with local bus service which is planned to be upgraded to rapid bus service per nMotion. 9th Avenue North to the north of the plan amendment area is also a two-lane Collector Street.

It is also applied where there is an expressed interest in progressing to a balanced mixture of residential and commercial land uses along the corridor. In order to achieve adequate dimensions for building and site design that is consistent with this policy category property consolidation to create larger development sites within the T4 CM area may be needed. In this case, extending the T4 CM policy would create a larger development site for new residential and commercial uses along Buchanan Street.

- **Boundary**

Human-made features such as interstates and major roads often form the boundaries of policy areas. The construction of the Interstate system in the late 1960s bifurcated 9th Avenue North and physically separated much of North Nashville. The current T4 CM policy application in this area applies to both sides of Buchanan Street to the north and west of the plan amendment area. This request will extend the T4 CM policy along Buchanan and 9th Avenue North to the interstate and to a similar depth, matching the existing condition along Buchanan Street. The interstate becomes a clearly distinguishable boundary of the policy.

- **Transitioning**

T4 CM policy contains guidance for transitioning in intensity and use with buildings at the edges to form transitions in scale and massing where they adjoin lower-intensity policy areas. The plan amendment area is within, and adjacent to, T4 NM policy, a lower-intensity residential policy. The guidance in the T4 CM policy encourages the appropriate transition in density and intensity between these two policy areas and contains guidance on how to design transitions and infill development, including the use of alleys as transitions. The alley between 9th and 10th Avenues N would be used for this transition.

- **Streets and Connectivity**

T4 CM areas have high levels of connectivity and complete street networks with sidewalks, and existing or planned transit and bikeways. The plan amendment area is adjacent to transit on Buchanan Street, which has sidewalks. Additionally, a protected bikeway on Buchanan has been funded and should be installed this year. Allowing a mix of uses, supported by T4 CM policy, in locations with convenient access to multimodal networks adjacent to a primary corridor with bus service is appropriate.

ANALYSIS SUMMARY

Amending the Community Character Policy from T4 NM to T4 CM is appropriate for the following reasons:

- To encourage strategic infill development to support the high capacity transit corridor.
- To promote the North Nashville Community Plan's goal of enhancing prominent corridors.
- To extend the T4 CM policy to the Interstate to match the existing condition along Buchanan Street.
- To allow a mix of uses in a location with convenient access to multimodal networks adjacent to a collector avenue.

STAFF RECOMMENDATION

Staff recommends approval of T4 Urban Mixed Use Corridor (T4 CM) policy

Ms. Grider presented the staff recommendation of approval.

Items 3a and 3b were heard and discussed together.

Jay Fulmer, 2002 Richard Jones Rd, spoke in favor of the application.

David Crabtree, Brookside Properties, spoke in favor of the application.

Tonya Sherell, PO Box 281972, spoke in favor of the application.

Cheryl McReynolds, 1706 10th Ave N, spoke in opposition to the application.

Simone Boyd, 1910 Cephas St, requested a deferral to allow more time for community input.

Phillip Boyd, 1910 Cephas St, requested a deferral to allow more time to obtain further information regarding short term rentals and the height of the proposed building.

Ms. Farr closed the Public Hearing.

Mr. Tibbs spoke in favor of staff recommendation, but would feel more comfortable if the councilmember was in attendance.

Ms. Moore stated that the timing doesn't seem right to make a decision since the councilmember isn't in attendance.

Mr. Elam asked for clarification on a minor versus a major plan amendment, then stated that this feels more like a major.

Mr. Leeman explained that staff treated this the same as they would a major plan amendment by requiring a community meeting.

Mr. Elam spoke in favor of a deferral and stated that it is important that the councilmember provide leadership along the way with these projects.

Mr. Gobbell spoke in support of staff recommendation but also spoke in favor of a deferral to allow the councilmember time to provide input.

Dr. Sims expressed concerns with supporting a plan amendment in the absence of the councilmember.

Mr. Haynes spoke in favor of a deferral.

Mr. Haynes moved and Ms. Moore seconded the motion to defer to the October 24, 2019 Planning Commission meeting. (7-0)

Resolution No. RS2019-311

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019CP-008-003 is deferred to the October 24, 2019 meeting. (7-0)

3b. 2019Z-135PR-001

Council District 21

Staff Reviewer: Logan Elliott

A request to rezone from CS and RS5 to MUL-A zoning for properties located at 901, 903, 905, 909, and 911 Buchanan Street and 1701, 1703, 1705, 1707, 1709, and 1711 9th Ave N, at the corner of Buchanan Street and 10th Ave N (1.98 acres), requested by Fulmer Engineering, LLC, applicant; various property owners (see associated case 2019CP-008-003).

Staff Recommendation: Approve if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends approval of MUL-A only for those parcels currently within T4 CM policy.

APPLICANT REQUEST

Zone change from CS and RS5 to MUL-A.

Zone Change

A request to rezone from Commercial Service (CS) and Single-Family Residential (RS5) to Mixed-Use Limited Alternative (MUL-A) for properties located at 901, 903, 905, 909, and 911 Buchanan Street and 1701, 1703, 1705, 1707, 1709, and 1711 9th Avenue North, at the corner of Buchanan Street and 10th Avenue North (1.98 acres).

Existing Zoning

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 4 units.*

Proposed Zoning

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

NORTH NASHVILLE COMMUNITY PLAN
Existing Policy

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy – Note: the proposal is to change the NM portion to CM

T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

ANALYSIS

The requested MUL-A zoning is inconsistent with the land use policy for the properties within T4 NM policy area. The MUL-A zoning district permits commercial uses and T4 NM policy areas are envisioned to remain primarily residential.

The requested MUL-A zoning is consistent with the land use policy for the properties within the T4 CM policy area. The MUL-A zoning district is appropriate considering the intent of the T4 CM policy is to enhance urban mixed use corridors by encouraging higher-density residential and mixed use development

Should the associated policy amendment application, 2019CP-008-003 be approved, then the entirety of the properties would be within the T4 CM policy area and the application as submitted would be consistent with the land use policy. If the application is not approved, then only the parcels within the T4 CM policy area would be consistent with the land use policy.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

- Fire Code issues will be addressed in the permit phase.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.33	0.6 F	36,851 SF	2339	118	253

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	.65	8.71 D	5 U	48	4	5

Maximum Uses in Proposed Zoning District: MUL-A

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	.99	1.0 F	43 U	315	20	25

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (931)	.5	1.0 F	21,780 SF	1827	16	170

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	.49	1.0 F	21,344 SF	1355	68	146

Traffic changes between maximum: **CS, RS5 and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1110	-18	+83

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 1 Elementary 1 Middle 1 High
 Projected student generation proposed MUL-A district: 10 Elementary 9 Middle 7 High

The proposed MUL-A zoning will generate 24 more students than the existing RS5 zoning district. Students would attend Churchwell Elementary School, John Early Middle School, and Pearl-Cohn High School.

STAFF RECOMMENDATION

Staff recommends approval if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends approval of MUL-A only for the parcels currently within T4 CM policy.

Mr. Elliott presented the staff recommendation of approval if the associated plan amendment is approved. If the associated plan amendment is not approved, staff recommends approval of MUL-A only for those parcels currently within T4 CM policy.

Items 3a and 3b were heard and discussed together.

Jay Fulmer, 2002 Richard Jones Rd, spoke in favor of the application.

David Crabtree, Brookside Properties, spoke in favor of the application.

Tonya Sherell, PO Box 281972, spoke in favor of the application.

Cheryl McReynolds, 1706 10th Ave N, spoke in opposition to the application.

Simone Boyd, 1910 Cephas St, requested a deferral to allow more time for community input.

Phillip Boyd, 1910 Cephas St, requested a deferral to allow more time to obtain further information regarding short term rentals and the height of the proposed building.

Ms. Farr closed the Public Hearing.

Mr. Haynes explained that this is a very important entry point into this neighborhood and the commission needs council feedback and a lot more neighborhood feedback.

Dr. Sims expressed concerns with such a large jump and requested more information than what this request provides.

Mr. Tibbs stated that the councilmember should be part of the conversation as this area will truly be a gateway.

Mr. Tibbs moved and Mr. Haynes seconded the motion to defer to the October 24, 2019 Planning Commission meeting. (7-0)

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019Z-135PR-001 is **deferred to the October 24, 2019 meeting. (7-0)**

**4. 2019SP-027-001
ROOTS EAST SP**

Council District 05 (Sean Parker)
Staff Reviewer: Patrick Napier

A request to rezone from RS5 to SP-MU zoning for properties located at 930 McFerrin Avenue and 907 W Eastland Avenue, approximately 180 feet south of Seymour Avenue and within the Greenwood Neighborhood Conservation Overlay District (2.46 acres), to permit a mixed use development, requested by Smith Gee Studio, applicant; Woodland Street Partners, LLC, owner.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-027-001 to the October 10, 2019, Planning Commission meeting. (7-0)

**5. 2019SP-048-001
CEDARS OF CANE RIDGE SP**

Council District 31 (John Rutherford)
Staff Reviewer: Patrick Napier

A request to rezone from AR2a to SP zoning for properties located at 5866 Pettus Road, Pettus Road (unnumbered), and a portion of property located at 5916 Pettus Road, approximately 880 feet northeast of Sundown Drive (43.7 acres), to permit 139 single family residential lots and open space, requested by Land Solutions Company LLC, applicant; Green Trails LLC and William Turner, owners.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-048-001 to the October 10, 2019, Planning Commission meeting. (7-0)

**6. 2019SP-056-001
ROBERTSON AVENUE RESIDENTIAL**

Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Amelia Lewis

A request to rezone from R8 to SP zoning for properties located at 5824, 5826, 5828, and 5830 Robertson Avenue and Robertson Avenue (unnumbered), at the northeast corner of Sterling Street and Robertson Avenue (1.1 acres), to permit 19 multi-family residential units, requested by Klobber Engineering Services, applicant; Good Ol' Boys LLC, owner.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-056-001 to the October 10, 2019, Planning Commission meeting. (7-0)

7. 2019S-109-001
RICHARDS FARMS SUBDIVISION
Council District 02
Staff Reviewer: Patrick Napier

A request for final plat approval to create 11 lots on property located at 1601 East Stewarts Lane and a portion of property at 1501 East Stewarts Lane, approximately 375 feet south of Cedar Grove, zoned RS10 (2.55 acres), requested by Clint Elliott Survey, applicant; Gus Richards, Jr, owner.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-109-001 to the October 10, 2019, Planning Commission meeting. (7-0)

8. 2019S-160-001
1242 PROPERTY SOLUTIONS, LLC PROPERTY
Council District 26
Staff Reviewer: Amelia Lewis

A request for final plat approval to create nine lots on property located at Eisenhower Drive (unnumbered), approximately 85 feet east of Towry Drive, zoned R6 (1.24 acres), requested by Clint Elliott Surveying, applicant; 1242 Property Solutions, LLC, owner.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019S-160-001 to the October 10, 2019, Planning Commission meeting. (7-0)

9. 2019Z-094PR-001
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Amelia Lewis

A request to rezone from R8 to RM20 zoning for properties located at 643 and 643 B Vernon Avenue, approximately 180 feet northeast of Nashua Avenue (0.23 acres), requested by Matthew White, applicant; O.I.C. Vernon Avenue Residences, WB Capital LLC, and Nashviddles LLC, owners..

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2019Z-094PR-001. (7-0)

10. 2019Z-099PR-001
Council District 02
Staff Reviewer: Amelia Lewis

A request to rezone from R8 to RM15-A zoning for properties located at 2127 and 2129 Cliff Drive, approximately 570 feet southeast of Buena Vista Pike (0.40 acres), requested by Robert Hudson, applicant; Robert Hudson, Arthur S. Yokley Sr. and Arthur S. Yokley Jr., owners.

Staff Recommendation: Approve.

APPLICANT REQUEST
Zone change from R8 to RM15-A.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Multi-Family Residential (RM15-A) zoning for property located at 2127 and 2129 Cliff Drive, 570 feet southeast of Buena Vista Pike (0.40 acres).

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of two duplex lots for a total of four units.*

Proposed Zoning

One and Two-Family Residential (RM15-Alternative) is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM15-A would permit a maximum of 6 units.*

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Supplemental Policy

This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek - Haynes Trinity Community Plan area. The intent of the supplemental policy is intended to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The policy calls for improvement of the existing street, sidewalk, bikeway, and stormwater infrastructure to T4 Urban Transect standards through new private-sector development.

ANALYSIS

The site is located at the corner of Cliff Drive, where the L shaped street bends. Two sides of the property have frontage along Cliff Drive. The site has been developed with two detached single-family structures. The surrounding properties are zoned R8 and have primarily been developed with one-family structures and some two-family structures.

The proposed RM15-A zoning district is consistent with the T4 NM policy at this location. The policy indicates that when evaluating more intense zoning districts, the characteristics of the site, proximity to corridors, and surrounding development shall be considered. The property has street frontage along two sides, making it more appropriate for increased intensity. The site is also located in proximity to Buena Vista Pike and Clarksville Pike, two corridors. Across Cliff Drive is the Kelly Miller Smith Towers, a 10 story multi-family building. While the area is primarily one and two-family detached structures, the proposed zoning district provides the opportunity to establish diversity of housing in this neighborhood at a scale that is appropriate with the surrounding context. The alternative zoning district includes enhanced design standards consistent with the urban form identified by the policy.

The site is located within the Haynes Trinity Supplemental Policy Area. This Policy primarily focuses on connectivity improvements within the policy boundaries but does provide support for an integrated mixture of housing within walking distance of neighborhood services. The proposed RM15-A district has design standards that are consistent with the goals of the policy to enhance and maintain urban neighborhoods.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Fire Code issues will be addressed in the permit phase.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	0.4	5.44 D	4 U	38	3	4

*Based on two-family residential lots

Maximum Uses in Proposed Zoning District: **RM15-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.4	15 D	6 U	44	3	4

Traffic changes between maximum: **R8 and RM15-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 2 U	+6	0	0

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed RM15-A district: 1 Elementary 1 Middle 1 High

The proposed RM15-A zoning is expected to generate three additional students beyond the existing R8 zoning. Students would attend Cumberland Elementary School, Joelton Middle School, and Whites Creek High School.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. Consent Agenda. (7-0)

Resolution No. RS2019-313

“BE IT RESOLVED by The Metropolitan Planning Commission that 201Z-099PR-001 is **approved. (7-0)**”

11. 2019Z-136PR-001

Council District 19 (Freddie O’Connell)

Staff Reviewer: Logan Elliott

A request to rezone from RM20 to RM40 zoning for properties located at 1217, 1219 and 1221 Phillips Street, approximately 140 feet east of 14th Avenue North (0.46 acres), requested by Melvin Gill Architects, applicant; Clark Memorial United Methodist Church, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2019Z-136PR-001. (7-0)

12. 2019SP-061-001

832 WEST TRINITY

Council District 02

Staff Reviewer: Joren Dunnivant

A request to rezone from R8 to SP zoning for property located at 832 West Trinity Lane, approximately 1,040 feet west of Free Silver Road (1.0 acres), to permit 14 multi-family residential units, requested by Dale and Associates, applicant; MC Gran LLC, owner.

Staff Recommendation: Defer to the October 10, 2019, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2019SP-061-001 to the October 10, 2019, Planning Commission meeting. (7-0)

13. 2019S-179-001

1508 E. STEWARTS LANE SUBDIVISION

Council District 02

Staff Reviewer: Amelia Lewis

A request for final plat approval to create three lots on property located at 1508 East Stewarts Lane, at the terminus of East Stewarts Lane, zoned RS10 (1.67 acres), requested by H and H Land Surveying, applicant; Gus Richards Jr., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final Plat approval to create 3 lots.

Final Plat

A request for final plat approval to create three lots on property located at 1508 East Stewarts Lane, at the terminus of East Stewarts Lane, zoned RS10 (1.67 acres).

Existing Zoning

Single Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 7 single-family lots subject to compliance with the standards of the Metro Subdivision Regulations.*

Community Character Manual Policy

The site is within the Suburban Neighborhood Evolving (T3 NE) policy. In order to achieve harmonious development, the Planning Commission has adopted Subdivision Regulations that include standards for specific transects. For T3 NE, the conventional regulations found in Chapter 3 are utilized.

Plan Details

The property is approximately 1.67 acres and is located at the terminus of E. Stewarts Lane. The west side of the property has frontage along the terminus of E. Stewarts Lane and the east side of the property has frontage along the terminus of Ashton Avenue. The site has been developed with an existing single family structure that would remain with the proposed subdivision. The surrounding area is primarily zoned RS10 and has been established with single family structures. The lot sizes in this area vary from over an acre to the minimum lot size of the zoning district, 10,000 square feet.

Final Plat

The plat proposes three single-family lots. Two lots will front on E. Stewarts Lane. Each lot is greater than 10,000 square feet in area. The existing single family structure would remain on the proposed Lot 1. Proposed Lot 3 is 1.2 acres and has frontage along the right-of-way for Ashton Avenue. There is an existing TVA easement that is located at the rear of the proposed lots.

ANALYSIS

The proposed subdivision meets the standards of the subdivision regulations including minimum lot size and street frontage. Future development will be required to meet the standards of the Metro Zoning Code. Staff recommends approval as the proposed subdivision meets the requirements of the subdivision regulations.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

- Limited building detail, and/ or building construction information provided. Any additional fire code or access issues will be addressed during the construction permitting process.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve

TRAFFIC AND PARKING RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve with conditions

- Prior to issuance of building permits the required Water & Sewer Capacity fees may be required.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Revise Council District on plat to Council District 2.
2. Comply with all conditions and requirements of Metro agencies.
3. Remove all setbacks shown on the plat. Add a note indicating that setbacks shall be as per the Metro Zoning Code.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2019-314

“BE IT RESOLVED by The Metropolitan Planning Commission that 2019S-179-001 is **approved with conditions.**
(7-0)

CONDITIONS

1. Revise Council District on plat to Council District 2.
2. Comply with all conditions and requirements of Metro agencies.
3. Remove all setbacks shown on the plat. Add a note indicating that setbacks shall be as per the Metro Zoning Code.

14. 88P-040-004

COMFORT INN AND SUITES PUD (REVISION AND FINAL)

Council District 22 (Gloria Hausser)

Staff Reviewer: Patrick Napier

A request to revise a portion of a Planned Unit Development Overlay District and for final site plan approval for property located at 627 Old Hickory Boulevard, approximately 330 feet south of Sonya Drive, zoned CS and SCR (1.34 acres), to permit a 54,217 square foot hotel, requested by Civil & Environmental Consultants, applicant; Oro Hotels LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a PUD to permit a hotel.

PUD Revision

A request to revise a portion of a Planned Unit Development Overlay District and for final site plan approval for property located at 627 Old Hickory Boulevard, approximately 330 feet south of Sonya Drive, zoned Commercial Service (CS) and Shopping Center Regional (SCR) (1.34 acres).

Existing Zoning

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

History

The PUD was approved in 1988; this site was not a part of the originally approved PUD. This site was added to the PUD through an amendment in 2001. The amendment approved a 10,900 square foot one story structure. The proposed site was approved for an automobile service use.

PLAN DETAILS

The site is located along Old Hickory Boulevard southeast of Interstate 40. The plan revises the PUD to allow a 5 story hotel. The site is surrounded by commercial uses and multi-family residential uses are located to the south of the site. The site is currently vacant and is zoned CS and SCR, which permits hotel uses.

Site Plan

The plan revises the PUD to allow a 5-story hotel with a total of 100 rooms. Access to the site will be from an existing centrally located access drive. This private drive currently provides access to the majority of the lots within the PUD. A second point of access, a driveway connection to Old Hickory Boulevard, will provide access to emergency vehicles only.

The majority of the parking is located at the rear of the site behind the proposed structure, with a single module of parking located in front of the building. The proposed parking meets the Metro Zoning Code parking standards. A 12 foot multi use path and an 8 foot grass strip are required along Old Hickory Boulevard, per the Major and Collector Street Plan. Old Hickory Boulevard is designated as a Scenic Arterial Boulevard which requires a 10 foot landscape easement along the frontage of the site, which is included on the site plan.

ANALYSIS

Section 17.40.120.F pertains to changes to an approved Planned Unit Development Overlay.

F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);

b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;

c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or

d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or

e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.

f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

The revised plan and proposed development is consistent with the concept of the approved Planned Unit Development. The revised plan does not include any unapproved uses. The site plan increases in floor area; however, the increase in floor area is within the total square footage permitted by the PUD. No changes are proposed that conflict with the Council approved plan.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Fire Code issues will be addressed in the permit phase.

STORMWATER RECOMMENDATION

Approved

HARPETH VALLEY UTILITY DISTRICT

Approve with conditions

- All extensions water lines and sewer lines will be at the expense of the developer. The design of all water lines shall be in accordance with the Harpeth Valley Utility District standard specifications and TDEC design criteria. All plans are subject to review and approval of Harpeth Valley and the State of Tennessee.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- Final constructions plans shall comply with the design regulations established by the Department of Public Works. Final design and improvements may vary based on actual field conditions. Following approval of final plans by MPW, a recorded copy of ROW dedications will need to be submitted to MPW for Bldg. permit approval.
- Comply with MPW traffic engineer.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Developer Traffic signal analysis has been reviewed on 8/23/19 and a signal is not warranted with this project's trips. Comply with other previous noted conditions.
- In accordance with findings of TIS, developer shall construct the following roadway improvements.
- Sam's Club Access Road at Sonic/Comfort Inn - It is recommended that a stop sign be installed for the southbound approach to the intersection.
- Emergency Vehicle Only Entrance on Old Hickory Blvd - It is recommended to maintain the existing non-mountable curb across the proposed driveway on Old Hickory Blvd to deter non-emergency vehicles.
- In addition, a fence shall be installed to further deter non-emergency vehicles entering the site. An additional fence shall be located to east of multi-use path before Old Hickory Blvd.
- Authorized vehicles sign on plans shall state for emergency access only.

- Parking or valet staff shall be available to remove luggage or park vehicles in off-site parking area on parcel 11400030900.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

Approve with conditions. Consent Agenda. (7-0)

Resolution No. RS2019-315

"BE IT RESOLVED by The Metropolitan Planning Commission that 88P-040-004 is **approved with conditions. (7-0)**

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

15. 2019DTC-021-001

1221 BROADWAY OFFICE TOWER

Council District 19 (Freddie O'Connell)

Staff Reviewer: Eric Hammer

Request for a modification to overall height and the step back standard of the Downtown Code to allow a 28-story office building with ground floor retail, within the Gulch South subdistrict, requested by Gresham Smith, applicant; GBT Realty Co., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Modification of overall height standards of the DTC, Gulch South Subdistrict, to allow twenty-eight stories of building height where fifteen is permitted by right.

DTC Overall Height Modification

A request for a modification of overall building height on property located at 1215-1223 Broadway, within the Gulch South Subdistrict of the Downtown Code (DTC).

Existing Zoning

Downtown Code (DTC) is the underlying base zoning and is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown.

PROJECT OVERVIEW

The project proposes a 28-story office building with active ground floor commercial space. The program calls for 527,970 square feet of office space, 17,784 square feet of retail space, and both underground and structured parking for a total of 939 vehicular parking spaces.

PLAN DETAILS

The property is located at the southeast intersection of Broadway and 13th Avenue South. 13th Avenue South frontage features retail space, while Broadway frontage allows access to the office lobby, as well as a porte cochere for vehicular drop-off. Service loading and public underground parking is accessed from an area adjacent to the porte cochere, whereas structured parking access occurs from the alleyway. Pedestrian access to the retail space can be taken from either Broadway or 13th Avenue South, and the main entrance to the office lobby is located within the porte cochere.

OVERALL HEIGHT MODIFICATION PROCESS

The process for an Overall Height Modification is outlined in the DTC as follows:

1. The Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program.
2. The applicant shall hold a community meeting providing notices to all property owners within 300 feet.
3. The Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, and improvement of the project's relationship to surrounding properties.

OVERALL HEIGHT MODIFICATION ANALYSIS

Bonus Height Program

In the Gulch South Subdistrict, this property is entitled to 15 stories; 6 additional stories may be earned, up to a maximum of 21 stories, through use of the Bonus Height Program. The applicants propose to earn a combination of bonuses that would cumulatively total over the 6 story cap of the Bonus Height Program through a combination of public parking and underground/liner parking bonuses. While not a traditional part of the Bonus Height program, the project is also voluntarily complying with recommendations of Metro's Transportation Demand Management (TDM) Program.

The Bonus Height Program grants additional height for two types of Leadership in Energy and Environment Design (LEED) certification. Height is granted for individual building certification that recognizes the nature and operations of an individual building, and for LEED ND based on either existing green neighborhood design principles or environmentally thoughtful redevelopment. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

The project is proposed to earn LEED Certified, which is the lowest level of LEED certification, below the threshold for earning height through the Bonus Height Program. To earn additional height with LEED for an individual building, the silver, gold, or platinum levels much be reached.

An existing LEED ND neighborhood, the Gulch, is adjacent to the property, but does not include this site. Although this property cannot automatically utilize the 2 stories of bonus height afforded to properties the LEED ND boundary, the project should be allowed to demonstrate an analogous commitment to environmentally conscious development through earning a higher level of certification than the minimum established by the Bonus Height Program.

Community Meeting

The applicant held a community meeting on September 3, 2019 and sent notices to properties within 300 feet as well as other area stakeholders and the Downtown Partnership. No opposition to the request was heard.

Downtown Code Design Review Committee Meeting

The Downtown Code Design Review Committee (DTC DRC) convened on September 5, 2019 and voted (with none opposed) to approve modifications to the required 15 foot stepback and floor-to-floor height. The committee also voted (with none opposed) to recommend approval with conditions to modify overall height to 28 stories.

Unique Architecture

Although the proposed building has two of four facades abutting streets, its architectural expression is continued on all four sides of the building. This including treatments on the side lot line and alley frontages, giving the building a cohesive look. Although the adjacent site to the east may redevelop, there are no imminent plans to do so. Care was taken to ensure the highly visible view of the building from Broadway relates to the rest of the building. All proposed façade materials of the building are either custom-made or otherwise high quality and are not value-engineered at the expense of the building's appearance. Additionally, in order to adapt to future transportation needs, the structured parking portion of the building has been designed to allow for future conversion to other uses and continues the same architectural movement as the office section of the building. Care must always be taken with reflective materials in order to ensure a blinding effect does not imperil public safety. Staff is recommending that precautions be taken to avoid this outcome.

Enhanced Streetscape

Along 13th Avenue South, the project proposes to dedicate additional right-of-way for a wider sidewalk than the MCSP calls for. Properties to the north and south of this site are either planning significant redevelopment or are under construction, making 13th Avenue South an even more frequently travelled and important sidewalk corridor than envisioned by the MCSP. This will include lush foliage, beyond that typically within the furnishing zone. This serves both aesthetic functional purposes, sparking visual interest while discouraging functionally undesirable uses of the 13th Avenue curb, like drop-offs. To ensure the streetscape reaches its full potential, staff is recommending use of the larger soil volumes and enhanced design methods of the Street Tree Standards and Specifications design guidelines, which exceeds the standards of the Downtown Code. These design guidelines are published by Metro Public Works and are available online.

Improvement of Project's Relationship to Surrounding Properties

The project proposes dedicating additional right-of-way to enhance pedestrian connectivity particularly between this site and properties to the north and south, including a grocery store that is anticipated to open soon and the 12th and Demonbreun project, a series of several high-rise towers. The amount of pedestrian traffic along 13th Avenue North will rise in the near future and enhanced streetscapes will serve to improve the project's relationship with these properties. The building also provides exceptional architectural treatment on all 4-sides, including those facing side property lines and alleys. This affords a pleasing view to all neighboring properties where otherwise back-of-house functions and value-engineered materials might provide a less than satisfactory view.

STAFF RECOMMENDATION

The project offers unique qualities and architectural expression in its site design, building massing, and overall aesthetic. Exceptional design may be attributed to enhancements to the streetscapes and the appropriate treatment of all four sides of the building. Staff recommends approval with conditions.

CONDITIONS

1. Applicant shall select a sheen of metal that will demonstrably not produce a blinding glare. The applicant may select a glazing system that will also demonstrably not produce a blinding glare as an alternative to the metal panel system. Staff to review and approve final design.
2. Applicant shall utilize the Street Tree Standards and Specifications document guidelines for soil volume and design methods produced by Metro Public Works to ensure the vitality of enhanced streetscape. Staff to review and approve final design.
3. To attain 28 stories of building height, the building shall obtain a minimum of LEED Gold level certification. To attain 25 stories of building height, the building shall obtain a minimum of LEED Certified level certification. Penalties for LEED noncompliance shall be pursuant to the formula outlined on page 94 of the Downtown Code.
4. If significant changes, as determined by the Executive Director of Planning, are made to building massing, articulation, or materials, approval from the Metropolitan Planning Commission shall be required.

Approve with conditions. Consent Agenda. (6-0-1)

Resolution No. RS2019-316

"BE IT RESOLVED by The Metropolitan Planning Commission that 2019DTC-021-001 is **approved with conditions. (6-0-1)**

CONDITIONS

1. Applicant shall select a sheen of metal that will demonstrably not produce a blinding glare. The applicant may select a glazing system that will also demonstrably not produce a blinding glare as an alternative to the metal panel system. Staff to review and approve final design.
2. Applicant shall utilize the Street Tree Standards and Specifications document guidelines for soil volume and design methods produced by Metro Public Works to ensure the vitality of enhanced streetscape. Staff to review and approve final design.
3. To attain 28 stories of building height, the building shall obtain a minimum of LEED Gold level certification. To attain 25 stories of building height, the building shall obtain a minimum of LEED Certified level certification. Penalties for LEED noncompliance shall be pursuant to the formula outlined on page 94 of the Downtown Code.
4. If significant changes, as determined by the Executive Director of Planning, are made to building massing, articulation, or materials, approval from the Metropolitan Planning Commission shall be required.

H: OTHER BUSINESS

16. Historic Zoning Commission Report
17. Board of Parks and Recreation Report
18. Executive Committee Report
19. Accept the Director's Report and Approve Administrative Items

Resolution No. RS2019-317

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **approved. (7-0)**

20. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

October 10, 2019

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

October 24, 2019

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

November 14, 2019

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

December 12, 2019

MPC Meeting

4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

J: ADJOURNMENT

The meeting adjourned at 5:29 p.m.

Chairman

Secretary